

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED
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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY mn DEPUTY

UNITED STATES OF AMERICA,

v.

ANTONIO FLORES

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EP-04-CR-2292-PRM

REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE
UPON DEFENDANT'S PLEA OF GUILTY

On the 22nd day of March, 2005, the Defendant and counsel appeared before the Court. After being admonished as required by Rule 11, Fed.R.Crim.P., the Defendant pled guilty to Count One of the Indictment charging him with damage to religious property, to-wit: the Islamic Center of El Paso located at 1600 N. Kansas, El Paso, Texas in violation of Title 18 U.S.C. § 247(a)(1);(b) and (d)(3) and Count Four of the Indictment charging him with using fire or explosives and carrying explosives in the commission of a felony in violation of Title 18 U.S.C. § 844(h)(1) and (2).

Accordingly, the Court makes the following findings.

1. The Defendant has consented to the entry of a guilty plea before a Magistrate Judge, subject to final approval and sentencing by the presiding United States District Judge.
2. The Defendant fully understands the oath and the consequences of failing to tell the truth at the plea hearing.
3. The Defendant fully understands the nature of the charge and the penalties, including the effect of a supervised release term.
4. The Defendant fully understands that the Sentencing Guidelines will be considered by the District Court, but are advisory only.

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5. The Defendant fully understands the right to plead "Not Guilty," and to be tried by a jury.
6. The Defendant fully understands that at trial the Defendant would have the right to confront or cross examine adverse witnesses, and to remain silent at trial.
7. The Defendant fully understands that if the guilty plea is accepted, there will not be a trial in the case.
8. The Defendant fully understands that in the plea agreement the Defendant waived the right to appeal or collaterally attack the sentence to be imposed by the District Court.
9. The Defendant's plea was made freely, knowingly, and voluntarily.
10. The Defendant is competent to enter a plea.
11. There is a factual basis to support the plea of guilty.

RECOMMENDATION

Based on the foregoing, it is recommended to the district judge that the Defendant's plea of guilty be accepted and that a judgment of guilt be entered.

SIGNED and ENTERED this 22nd day of March , 2005.



RICHARD P. MESA
UNITED STATES MAGISTRATE JUDGE

NOTICE

FAILURE TO FILE WRITTEN OBJECTIONS TO THE FINDING AND RECOMMENDATIONS CONTAINED IN THE FOREGOING REPORT, WITHIN TEN DAYS OF RECEIPT OF SAME, MAY BAR DE NOVO DETERMINATION BY THE DISTRICT JUDGE OF AN ISSUE COVERED HEREIN AND SHALL BAR APPELLATE REVIEW OF SUCH FACTUAL FINDINGS AS MAY BE ACCEPTED OR ADOPTED BY THE DISTRICT JUDGE.